

ART MILLER & ASSOCIATES

SAGENT VS. MICROS

DEPOSITION OF DAN VAN VEELLEN

PREPARED BY

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EXHIBIT

A

tabbies

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1 agreement.

2 Q Was there any discussion at the June 6th, 2000
3 meeting in respect of providing licenses, Sagent
4 licenses to Micros for purpose of relicensing directly
5 to end users?

6 A Not that I recall.

7 Q Was there any discussion in respect of
8 providing Sagent licenses to Micros for use at USI, with
9 what would happen to those licenses if the USI project
10 did not achieve Micros' sales goals for it?

11 A Not that I recall.

12 Q Was there any discussion at the June 6th, 2000
13 meeting about Shoney's as a potential customer?

14 A Not that I recall.

15 Q Was there any discussion at the June 6th, 2000
16 meeting with respect to Sagent providing assistance to
17 Micros in providing the Sagent licenses to end user
18 customers instead of USI?

19 A Would you repeat the question?

20 Q You've indicated that the discussions related
21 to Sagent providing licenses to Micros for use at USI.

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1 included discussions of a refund or assistance with
2 resale. I will represent to you that that's what they
3 have said. Clearly that doesn't jive with -- if that is
4 what they said, that doesn't jive with what you have
5 just said. Would that be a fair assessment?

6 A Yes.

7 Q One or both, somebody is wrong; is that
8 correct?

9 A It would appear so.

10 Q And you're confident at this point it's not
11 you?

12 MR. PHILLIPS: That has been asked and answered
13 four different times now, slightly different albeit, but
14 it is the same question. I'm going to object. You can
15 answer it for the fourth or fifth time. Go ahead.

16 A What was the question?

17 Q We will move on.

18 (Whereupon Deposition Exhibit No. 6 was
19 marked.)

20 Q This is a document Bates numbered S-35. It
21 appears to be a Sagent sales order form No. 1876. I

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1 Was there any discussion at the June 6th, 2000 meeting
2 about repositioning those licenses to be used for end
3 users?

4 A Not that I recall.

5 Q Was there any discussion at the June 6th, 2000
6 meeting about Sagent offering a refund or credit to
7 Micros if the project did not draw the customers that
8 Micros thought it would?

9 A No.

10 Q Was there any discussion of Sagent providing a
11 refund or credit to Micros in any -- for anything in
12 respect -- in respect of any licenses being discussed at
13 the June 6th, 2000 meeting?

14 A No.

15 Q I will tell you that both Mr. Rogers and
16 Mr. Callnin have stated under oath, as you are under
17 oath today to tell the truth the whole truth and nothing
18 but the truth, that there were discussions at the
19 June 6th, 2000 meeting about repositioning of licenses,
20 about assistance with resale of the licenses to
21 customers, and about other related terms which may have

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1 would direct you to a date -- I'm not sure where it is
2 located on the document --

3 A Would you like me to show you?

4 Q Please.

5 A (Indicating.)

6 Q March 30, that suggests March 30, 2000?

7 A Correct.

8 Q Does that sales order document have any
9 connection to the licenses for use at USI?

10 A No.

11 Q Does this document have any connection to the
12 matters relating to the June 30 transaction?

13 A No.

14 Q Who -- what is this kind of form used for at
15 Sagent?

16 A This is a sales order form. This is what I
17 would submit to sales operations so that they would have
18 the contact information not only for billing but for
19 shipping of software. That's described in the mid
20 section of the document. It includes both quantity,
21 price, discount.